

1 LESLIE M. HILL (D.C. Bar No. 476008)  
2 Trial Attorney  
3 U.S. Department of Justice  
4 Environmental Defense Section  
5 4 Constitution Square  
6 150 M Street, NE, Suite 4.149  
7 Washington, D.C. 20002  
8 Telephone (202) 514-0375  
9 leslie.hill@usdoj.gov

10 ANDREW A. SMITH (NM Bar 8341)  
11 Senior Trial Attorney  
12 Natural Resources Section  
13 c/o United States Attorney's Office  
14 201 Third Street, N.W., Suite 900  
15 P.O. Box 607  
16 Albuquerque, New Mexico 87103  
17 Telephone: (505) 224-1468  
18 andrew.smith@usdoj.gov

19 CHRISTOPHER C. HAIR (PA Bar 306656)  
20 Trial Attorney  
21 Natural Resources Section  
22 4 Constitution Square  
23 150 M Street, NE, Suite 3.1004  
24 Washington, D.C. 20002  
25 christopher.hair@usdoj.gov  
26 Telephone (202) 305-0420  
27 christopher.hair@usdoj.gov

28 *Attorneys for Federal Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

23 Save the Scenic Santa Ritas,  
24 *et al.*,

25 Plaintiffs,

26 v.

27 U.S. Army Corps of Engineers,  
28 *et al.*,

Federal Defendants,

No. 4:19-cv-0177-TUC-JAS (Lead)  
No. 4:19-cv-0205-TUC-JAS (C)

**FEDERAL DEFENDANTS' NOTICE  
OF OPPOSITION TO PLAINTIFFS'  
NEWLY FILED MOTIONS**

1                                   and  
2       Rosemont Copper Company,  
3                                   Intervenor-Defendant.

4           Federal Defendants, the U.S. Army Corps of Engineers, *et al.*, hereby notify the  
5       Court that Federal Defendants intend to file oppositions to the four motions filed by  
6       Plaintiffs on April 19 and 20, 2022. While Plaintiffs' filings recite that Federal  
7       Defendants were unable to take positions on Plaintiffs' motions until they had had an  
8       opportunity to review them, Federal Defendants have now had a chance to conduct an  
9       initial review of the motions and attendant filings and believe that the motions are without  
10      merit and should be denied. Therefore, with all due diligence, Federal Defendants intend  
11      to file oppositions to Plaintiffs' April 19, 2022 "Joint Emergency Motion to Lift the Stay,"  
12      ECF No. 104; the Tribes' April 19, 2022 "Motion to Supplement Complaint," ECF No.  
13      106; the Tribes' April 19, 2022 "Motion for Temporary Restraining Order," ECF No. 108;  
14      and SSSR's April 20, 2022 "Motion to File a Supplemental Complaint," ECF No. 111.  
15      Due to the volume of the materials filed and the novelty of Plaintiffs' legal positions, and  
16      because Plaintiffs did not notify the Department of Justice of their intent to seek to reopen  
17      these consolidated cases and file multiple motions until after hours on April 18, 2022,  
18      Federal Defendants do not have a certain estimate for the time they will need to research  
19      and respond to Plaintiffs' materials, but intend to do so as expeditiously as possible.

20  
21      Respectfully submitted this 21st day of April, 2022,

22  
23                                   LESLIE M. HILL (D.C. Bar No. 476008)  
24                                   Trial Attorney  
25                                   U.S. Department of Justice  
26                                   Environmental Defense Section  
27                                   4 Constitution Square  
28                                   150 M Street, NE, Suite 4.149  
                                  Washington, D.C. 20002  
                                  Telephone (202) 514-0375  
                                  leslie.hill@usdoj.gov

1 ANDREW A. SMITH (NM Bar 8341)  
2 Senior Trial Attorney  
3 Natural Resources Section  
4 c/o United States Attorney's Office  
5 201 Third Street, N.W., Suite 900  
6 P.O. Box 607  
7 Albuquerque, New Mexico 87103  
8 Telephone: (505) 224-1468  
9 andrew.smith@usdoj.gov

10 /s/ Christopher C. Hair

11 CHRISTOPHER C. HAIR (PA Bar 306656)  
12 Trial Attorney  
13 United States Department of Justice  
14 Environment and Natural Resources Division  
15 Natural Resources Section  
16 4 Constitution Square  
17 150 M Street, NE, Suite 3.1004  
18 Washington, D.C. 20002  
19 Telephone (202) 305-0420  
20 christopher.hair@usdoj.gov

21 *Counsel for Federal Defendants*  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 21st day of April, 2022, I filed the foregoing document electronically through the CM/ECF system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Christopher C. Hair

Christopher C. Hair

U.S. Department of Justice